IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.703 of 2006 (M/B)

Regional Provident Fund Commissioner,
Uttaranchal through Sri Rakesh Kumar,
Assistant Provident Fund Commissioner (Legal),
136/255, Subash Nagar, Dehradun. ……. Petitioners.

Versus

1. State Consumer Disputes Redressal Commissioner, Uttaranchal, Dehradun.
2. Sri R.K. Rastogi, R/o C-72 Shastri Nagar, Jwalapur, Haridwar.
3. Executive Director, BHEL, Haridwar.
4. District Consumer Forum, Haridwar. ……. Respondents.

Mr. Niranjan Bhatt, Advocate on behalf of Mr. Ashok Aggarwal, Advocate for the petitioner.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Niranjan Bhatt, Advocate on behalf of Mr. Ashok Aggarwal, Advocate for the petitioner is heard on admission.

2. Petitioner Regional Provident Fund Commissioner, Uttaranchal has filed this writ petition for the following reliefs:

> "(a) to issue a writ or order or direction by way of issuing a writ of certiorari quashing the order dated 2.5.2006 **(Annexure No. 1)** passed by the Respondent No.1, so the justice be done.
>
> (b) to issue a writ or order or direction by way of mandamus directing to the respondents not to execute the order dated 26.6.2001.
>
> (C) to issue any other writ or direction with may be necessary at the time of final hearing of the writ petition.
>
> (d) cost."

3. In substance, the petitioner is challenging the order dated 02.05.2006 (Annexure No.1) passed by State Consumer Disputes Redressal Commissioner Uttaanchal, Dehradun in First Appeal No. 275 of 2005, Whereby the petitioner's application for condonation of delay in filing the appeal under Section 15 of the Consumer Protection Act, 1986 was dismissed and consequently, the appeal itself also was dismissed as barred by time.

4. The petitioner has an efficacious alternative remedy of approaching the National Commissioner under Section 21(b) of the Consumer Protection Act, 1986 against the impugned order passed by State Consumer Disputes Redressal Commission, Uttaranchal, Dehradun.

5. In this view of the matter, we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

6. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed.

7. Consequently, CLMA No.7063 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 16.06.2006

(Rajeev Gupta, C.J.) 16.06.2006

G